



California Fair Political Practices Commission

August 18, 1988

Teressa K. Lippert
Folger and Levin
100 Green Street
San Francisco, CA 94111

RE: Your Request for Advice
Our File No. A-88-305

Dear Ms. Lippert:

You have requested advice on behalf of your client, the Hotel Council of San Francisco, concerning the campaign disclosure provisions of the Political Reform Act of 1974.^{1/}

QUESTION

If a nonprofit organization's members write individual checks made out to a candidate and the organization collects these checks and delivers them to the candidate, has the organization made a contribution to the candidate for purposes of qualifying as a recipient committee?

CONCLUSION

The organization has not received contributions and, therefore, is not acting as a recipient committee.

The reporting obligations of the candidate receiving the individual checks may be affected by the passage of Proposition 68 at the June election. The Commission has not yet determined whether certain provisions of Proposition 68 are valid.

FACTS

Your client is the Hotel Council of San Francisco, a nonprofit organization. Some of its members are considering making contributions to a candidate for local office in San

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

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Francisco. The members intend to give individual checks to the the Hotel Council for the Council to transmit to the candidate, either by personal delivery or by mail under the Hotel Council of San Francisco letterhead.

ANALYSIS

Section 82013(a) defines a committee as any person or combination of persons which receives contributions totaling one thousand dollars or more in a calendar year. Because the individual checks will be written to the candidate and the organization will not deposit the checks, the organization has not received the contributions.

Due to the passage of Proposition 68, the candidate receiving the contributions may have different reporting obligations in 1989.

If you have additional questions, please contact me at (916) 322-5660.

Sincerely,

Diane M. Griffiths
General Counsel

By: Kevin S. Braaten-Moen
Political Reform Consultant

FOLGER & LEVIN

ATTORNEYS AT LAW

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August 3, 1988

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Fair Political Practices Commission
428 J Street
Sacramento, CA 95814

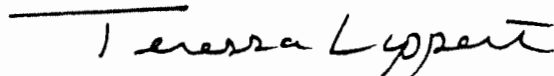
Dear Ms. Griffiths:

On behalf of our client, the Hotel Council of San Francisco, and pursuant to Government Code Section 83114, we request that the Fair Political Practices Commission provide written advice concerning contributions to candidates as regulated by the Political Reform Act of 1974.

The question is as follows: Candidate X is running for office. The individual members of a nonprofit organization would like to each contribute up to \$500.00, their legal limit in San Francisco, to Candidate X's campaign. Rather than send in their checks separately, they instead give their individual, personalized checks to one person in the organization, who collects the checks and either presents them personally to Candidate X or mails them to Candidate X under a cover letter on the organization's stationery. The individual contributions would not be reimbursed by the organization. The cumulative, total amount of the individual checks would exceed \$1,000.00. Would this procedure constitute a "contribution" by the organization for purposes of qualifying as a "recipient committee"?

Kevin Bratten-Moen of your office has orally advised a representative of our firm that in his opinion these checks would not be considered a contribution to the organization and thus the organization would not be required to register as a recipient committee. Mr. Bratten-Moen further suggested that we request a written opinion to confirm his oral advice. Thank you.

Sincerely yours, .



Teressa K. Lippert

TKL:sag

cc: Robert Begley

88-305

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August 3, 1988

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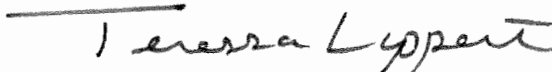
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